THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:21-cy-00094-MOC

IN RE: V.R. KING CONSTRUCTION, LLC)
V.R. KING CONSTRUCTION)
APPELLANT,) NOTICE OF MOTION FOR) DISMISSAL OF APPEAL)
Vs.)))
Y2 YOGA COSTWOLD, LLC ET. AL, Appellees.)))

Appellant Vinroy W. Reid (hereinafter "Appellant"), pursuant to Federal Rules of Appellate Procedure 42(b) moves to dismiss this Appeal without prejudice.

- 1. Appellant no longer desires to prosecute this appeal at this time as Appellant believes that the Order being Appealed may be interlocutory and requests that this Honorable Court Dismiss this Appeal without prejudice.
- 2. The undersigned Counsel avers that this matter has been docketed with the District Court.
- 3. The Appellant avers that in the interest of justice and judicial economy this appeal should be dismissed without prejudice as the Debtor is awaiting a final order from the Bankruptcy Court overruling the Debtor's Objection to Y2 Yoga Cotswold's, LLC's proof of claim from a hearing held on February 12, 2021, which the Appellant intends to appeal as well.
- 4. Appellant believes that it would be a better use of the District Court's time and resources to allow the motion to dismiss without prejudice, affording the Appellant the opportunity to file a consolidated appeal of the Bankruptcy Judge's orders since the issues between the two are intricately intertwined.
 - 5. The undersigned has informed counsel for the Appellants of its intentions to

dismiss this appeal without prejudice, and as of filing this Motion, Appellant has not heard back from any of the Appellees as to whether they object to the motion as filed.

EXECUTED ON: July 7, 2021

s/Robert Lewis, Jr.
Robert Lewis, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that the attached **NOTICE OF MOTION FOR DISMISSAL OF APPEAL** was served upon the following parties by Electronic Court Filing (ECF) and mailing a copy of the same by first-class postage prepaid mail addressed as follows:

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Vinroy W. Reid (via U.S. Mail) P.O. Box 5035 Charlotte, North Carolina 28229

EXECUTED ON: July 7, 2021

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